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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,371	07/24/2003	Daniel B. Sachuk	249212022700	2455

25226 7590 03/02/2007
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/627,371	SACHUK, DANIEL B.	
	Examiner	Art Unit	
	Brian E. Miller	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17, 19, 29-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17, 19, 29-32, 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 12-17, 19, 29-32, 34-37 are now pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/6/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-17, 19, 29-32, 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanderheyden et al (US 6,15,982) in view of Hentrich (US 6,095,445). (As per claims 12 & 36) Vanderheyden et al discloses, with respect to FIGs. 1-2, 9, a storage cartridge 10, including: a storage cartridge housing 12, 14 having: a tape access window 25, a single supply reel 200 rotatably disposed within the storage cartridge housing and having storage tape 450 wound on the supply reel 26, and at least one guide surface, 501, disposed within the storage cartridge housing, wherein the guide surface is positioned within the storage cartridge housing to guide the storage tape away from the supply reel and then back to reengage tape of the supply

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reel before extending to the access window, as shown in FIG. 9 having a double layer 453, 454 of tape passing over the guide surface 501 (see also col. 7, line 55 to col. 8, line 9).

Vanderheyden et al is silent as to the details of a tape drive, however, Hentrich discloses a conventional drive known in the art to be utilized with single reel tape cartridges, as shown mainly in FIG. 1, including: at least a first guiding element 36, a data transducer 14, and a take-up reel 16, wherein the storage tape 28 would extend from the supply reel 26 to the guide surface 32 before extending through the access window 40 to the first guiding element, and the storage tape 28 is guided within the tape drive 10 along a tape passing adjacent a data transducer 14, and wound on the take-up reel 16, wherein the storage tape passes adjacent the data transducer 14 along the tape path between the first guiding element 36 and the take up reel 16, as known in the art and shown by Hentrich. From this teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the cartridge of Vanderheyden et al in a tape drive as disclosed by Hentrich. The motivation would have been: utilizing the tape cartridge of Vanderheyden in the conventional tape drive of Hentrich, would have been readily provided, as the buckler provided in the tape drive reduces the force necessary to insert the cartridge into the receiver, and allows for better control over the eject speed and the eject distance of the cartridge (see Abstract).

Further, Vanderheyden et al is considered to further show (as per claim 14) wherein the guide surface 501, includes a stationary surface; (as per claim 15) wherein the guide surface includes a contoured surface, i.e., arcuate; (as per claim 16) wherein the storage cartridge housing includes "only a single opening" wherein the storage tape is accessible, 25; Hentrich is further considered to show (as per claim 17) wherein the data transducer 14 includes at least one of a read head and

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a write head; and (as per claim 19) wherein the storage tape includes a leader block 32 adapted to be releasably attached to the take-up reel, which would be necessarily a part of every tape cartridge for proper operation.

As the method claims, i.e., 29, 31-32, 35, define similar but broader limitations to the apparatus claims defined above, the method claims, in so far as they define clear method steps, they are rejected under the same grounds. With respect to claim 34, Vanderheyden et al is further considered to show that when streaming the storage tape, the storage tape becomes separated from the reel by a thin layer of air, as shown in the figures.

With respect to claims 13 & 30, while the above description was mainly directed to FIGs. 1 & 2, FIG. 6 of Vanderheyden et al discloses additional guide surfaces including 510, 512 (shown, but not labeled in FIG. 9). Because surface(s) 510, 512 are cylindrical, it would have been easily contemplated by a skilled artisan to have been either stationary or rotatable, therefore, it would have been obvious, wherein the advantages of both would have been equally considered and either could have been utilized, e.g., a fixed surface would have been less expensive to manufacture, while a rotatable type would have reduced friction between the moving tape and the surface, as would have been readily apparent to a skilled artisan.

Response to Amendment/Arguments

4. Applicant's arguments with respect to claims 12-17, 19, 29-32, 34-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
February 27, 2007